

**REMARKS**

Claims 1-20 are currently pending in the application. By this amendment, claims 1, 2, 4, 5, and 7 are amended and claims 8-20 are added for the Examiner's consideration. The above amendments do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments is provided in the claims as originally filed, at Figures 1 and 2, and at paragraphs 0008 – 0010 and 0021 – 0024 of the published application. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

***Objection to Specification***

The specification has been objected to for typographical errors (i.e., instances of incorrect spacing). Applicants are submitting a Substitute Specification (including a "Marked-Up" version and a "Clean Version") to correct the typographical errors. No new matter has been added.

Accordingly, Applicants respectfully request that the objection to the Specification be withdrawn.

***Objection to Claims***

Claims 1, 2 and 4 were objected to for typographical errors (i.e., irregular spacing between the words or within the words). Applicants have amended claims 1, 2 and 4 to correct the typographical errors.

Accordingly, Applicants respectfully request that the objection to claims 1, 2 and 4 be withdrawn.

**35 U.S.C. §112 Rejection**

Claims 4, 5, and 7 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph. This rejection is respectfully traversed.

The Examiner asserted that the phrase “the strands” lacks antecedent basis in claims 4 and 5. The Examiner further asserted that the phrase “the bottom lip” lacks antecedent basis in claim 7. Applicants disagree that the lack of antecedent basis renders the claims indefinite. However, in order to advance prosecution, the claims have been amended to provide antecedent basis for the features.

Accordingly, Applicants respectfully request that the rejection over claims 4, 5 and 7 be withdrawn.

**35 U.S.C. §103 Rejection**

Claims 1, 2, and 7 were rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent Application Publication No. 2003/0079820 issued to Palsson et al. (“Palsson”). Claims 1 and 3-6 were rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent Application Publication No. 2002/0056245 issued to Thiers (“Thiers”) in view of U. S. Patent Application Publication No. 2003/0035921 issued to Kornicer et al. (“Kornicer”). These rejections are respectfully traversed.

The present invention relates to a building board made of OSB (oriented strand board) which can be laid on beams in order to form a subfloor. Non-limiting exemplary implementations of the invention provide an OSB building board for forming subfloors such that the boards can be reliably oriented parallel to one another and connected to one another. Independent claim 1 has been amended to recite, in pertinent part:

... wherein the tongue on the longitudinal edge comprises a bevel and a recess adjacent the bevel, and the tongue and the groove on the longitudinal edge are designed such that two boards which are connected to one another at the longitudinal edges are also locked in a horizontal direction in relation to one another.

The applied references do not teach or suggest these features.

Claims 1, 2 and 7 in view of Palsson

Palsson does not teach or suggest that the tongue on the longitudinal edge comprises a bevel and a recess adjacent the bevel, as recited in claim 1. Instead, Palsson discloses building panels (and, more particularly, floor elements) that have tongue and groove connections. FIGS. 1-4 show embodiments of a tongue-and-groove connection between first and second corresponding longitudinal edges 2<sup>I</sup> and 2<sup>II</sup>. FIGS. 5-7 show embodiments of a tongue-and-groove connection between third and fourth corresponding transverse edges 2<sup>III</sup> and 2<sup>IV</sup>. The embodiments of the longitudinal edge (FIGS 1-4) show that connected boards are locked in the horizontal direction by tongue 11 and lip 15. However, none of the embodiments of the longitudinal edge show the tongue 11 having a bevel and a recess adjacent the bevel,

as recited in claim 1. Therefore, Palsson does not teach or suggest each and every feature of claim 1.

Applicants respectfully submit that claims 2 and 7 depend from allowable claim 1, and are allowable for at least the same reasons discussed above with respect to claim 1. Moreover, Palsson does not teach or suggest many of the features of these dependent claims.

For example, Palsson does not teach or suggest the bottom lip of the groove, on the longitudinal and/or transverse side, has depressions, which are spaced apart parallel to one another, for accommodating a nail head or screw head, as recited in claim 7. The Examiner asserted in the outstanding Office Action that FIG. 3 of Palsson teaches this feature. Applicants respectfully disagree.

In any event, claim 7 has been amended to depend from claim 2, which recites, *inter alia*, the bottom lip has a concave recess over the entire length, and the tongue has a convex underside which corresponds to the recess. Palsson does not teach or suggest this combination of features required by claim 7. That is, FIG. 3 shows an irregularly shaped tongue 11 and recess 13 that is not concave over the length. Therefore, Palsson does not teach or suggest all of the features of claim 7.

Accordingly, Applicants respectfully request that the rejection over claims 1, 2 and 7 be withdrawn.

Claims 1 and 3-6 in view of Thiers and Kornicer

Neither Thiers nor Kornicer teaches or suggests that a tongue on the longitudinal edge comprises a bevel and a recess adjacent the bevel, as recited in

claim 1. Instead, Thiers shows a panel having opposed longitudinal edges 3, 4 (FIG. 3). The first edge 3 has a tongue 8, and the second edge 4 has a groove 9 that corresponds to the tongue. Adjacent panels connected by a respective tongue 8 and groove 9 are locked in both the vertical and horizontal direction. However, the tongue 8 does not comprise a bevel and a recess adjacent the bevel, as recited in claim 1. Therefore, Thiers does not teach or suggest each and every feature of claim 1.

Kornicer does not compensate for the deficiencies of Thiers with respect to claim 1. Kornicer shows a layered board 10. Kornicer makes no mention of a tongue and groove connection. Therefore, Kornicer does not teach or suggest a tongue on the longitudinal edge comprising a bevel and a recess adjacent the bevel, as recited in claim 1. Therefore, the applied references, alone or in combination do not teach or suggest every feature of claim 1.

Applicants respectfully submit that claims 3-6 depend from allowable claim 1, and are allowable for at least the same reasons discussed above with respect to claim 1.

Accordingly, Applicants respectfully request that the rejection over claims 1 and 3-6 be withdrawn.

### **Added Claims**

Claims 8-20 have been added to further define the invention and are believed to be patentably distinct from the applied art and in condition for allowance.

For example, added independent claim 8 recites, *inter alia*, wherein a front edge of the first tongue is beveled in accordance with an underside of the top lip, the bottom

lip has a concave recess over its length, and the first tongue has a convex underside which corresponds to the concave recess. Applicants submit that these features are not taught or suggested by any of the applied references.

Moreover, added independent claim 20 recites, *inter alia*, wherein the groove on the longitudinal edge is bounded by a top lip and a bottom lip, the bottom lip projects laterally beyond the top lip and has a concave recess over the entire length, the tongue has a convex underside which corresponds to the recess, and the bottom lip has a plurality of spaced apart depressions configured to accommodate a countersunk nail head or screw head. Applicants submit that these features are not taught or suggested by any of the applied references.

Applicants further submit that claims 9-19 depend from allowable independent claims, and are allowable based upon the allowability of the respective independent claims.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,  
Thomas GRAFENAUER



Andrew M. Calderon  
Registration No. 38,093

Greenblum & Bernstein, P.L.C.  
1950 Roland Clarke Place  
Reston, Virginia 20191  
Telephone: 703-716-1191  
Facsimile: 703-716-1180